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28 Dec 07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPARTMENT OF JUSTICE
U.S. ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA
'07 MJ 3000

DEPUTY

UNITED STATES OF AMERICA,

Magistrate Case No.

Plaintiff,

)

v.

COMPLAINT FOR VIOLATION OF:

Francisco HERNANDEZ-Figueroa,

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

Defendant.

)

)

)

The undersigned complainant, being duly sworn, states:

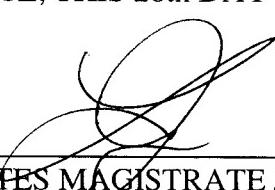
On or about, December 27, 2007, within the Southern District of California, defendant, Francisco HERNANDEZ-Figueroa, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Daniel Hiel, S/A, ICE
SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF December 2007.



UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Francisco HERNANDEZ-Figueroa

PROBABLE CAUSE STATEMENT

I, Special Agent Daniel Hiel, declare under penalty of perjury, the following is true and correct:

On December 27, 2008, at approximately 6:00pm DEFENDANT was contacted by the El Cajon Police Department at 811 East Main Street, El Cajon, California. Thereafter, DEFENDANT was taken into custody by Immigration and Customs Enforcement and transported to the San Ysidro Port of Entry for processing and disposition.

The DEFENDANT's identity was established through a comparison of his fingerprints with fingerprints found in his criminal and immigration records. The DEFENDANT's fingerprints were entered into the Integrated and Automated Fingerprint Identification System (IAFIS), a database used to determine if an individual has an existing criminal or immigration record. A search of the database revealed that the DEFENDANT has an immigration record associated with Alien number (A074 108 858) under the name of Francisco HERNANDEZ-Figueroa. Official records of the Department of Homeland Security associated with DEFENDANT's Alien number (A074 108 858) reveal that the DEFENDANT was previously deported to Mexico on February 10, 2005 through San Ysidro, California. These same records show that the DEFENDANT has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.